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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

COPY

IN THE MATTER OF THE
LICENSE OF

CYNTHIA M. PESCHL
RC00167000

TO ENGAGE IN REAL ESTATE
APPRAISING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu
DR. JAMES S. HSU
Executive Director 9/15/08

This matter was opened to the New Jersey State Real Estate Appraiser Board ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information

was sent by regular mail to licensees at their address of record. The mailing sent to respondent was not returned, but no response was received.

3. On or about the first week of April, 2008, a second mailing issued by certified and regular mail to those licensees, such as respondent, who had not replied to the February 11, 2008 mailing. The mailing consisted of a copy of the February 11, 2008 letter, stamped "2nd Notice," again requesting documentation of having completed the 2006-2007 continuing education requirements. Certified mail sent to respondent's address of record was returned unclaimed. Regular mail was not returned. No response has been received to date.

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that he had completed the continuing education requirement during the previous biennial renewal period.

4. Respondent certified upon respondent's renewal application that respondent had completed a USPAP course.

5. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include a seven hour USPAP course, or its equivalent.

6. In light of federal requirements that the Board conduct periodic continuing education audits and verify that continuing education requirements are timely completed, and respondent's failure to respond to the audit, the Board deems respondent's failure to respond as constituting respondent's failure to timely complete the continuing education requirements for the 2006-2007 licensing period.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's continuing education audit constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).
2. Respondent's failure to demonstrate successful completion of continuing education requirements for licensure during the 2006-2007 biennial renewal period constitutes a violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).
3. Respondent's certification upon renewal for the January 1, 2008-December 31, 2009 renewal cycle that respondent had satisfied the continuing education requirement constitutes a violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 23, 2008, provisionally suspending respondent's appraising license, imposing a public reprimand and provisionally imposing a civil penalty in the amount of \$1,750.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Order, asking for waiver of the civil penalty and

modification of the Order. Respondent explained that she had withdrawn from the appraisal field, and had not intended to renew her appraisal license. She speculated "it is possible" that her "domestic partner" had renewed for her "inadvertently." It appears that she completed none of the continuing education requirements for 2006-2007. Respondent further claimed that she had "notified" the Board by telephone in March of 2008 that she had left the appraisal field. A copy of a letter dated April 14, 2008 which had been sent to the Board's attention was also included. The Board considered these submissions, and was not persuaded that the assertions and explanations warranted consideration. The letter to the Board, dated after the audit, makes no mention of the "inadvertent" renewal of respondent's license, and respondent's explanation for the renewal was not persuasive. In light of the fact that respondent's appraising license was renewed, her licensing fee of several hundred dollars was paid, and respondent, or someone on respondent's behalf, certified to her having completed continuing education requirements, the Board finds that no material discrepancies have been raised with respect to the findings of fact and conclusions of law upon which the sanctions imposed in the Provisional Order of Discipline were based. Accordingly, the Board determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15th day of September, 2008,

ORDERED that:


1. Respondent's license is hereby suspended until respondent has furnished proofs of having successfully completed the credit hours of the requisite continuing education for 2006-2007. Respondent must submit proof of successful completion of 28

(twenty-eight) credit hours of continuing education, including the requisite update course in the Uniform Standards of Professional Appraisal Practice.

2. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b), (e) and (h).

3. A civil penalty in the amount of \$1,750.00 is hereby imposed upon respondent. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, 3rd Floor, Newark, NJ 07101, within twenty-one (21) days following issuance of this Order.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD


Cheryl Randolph-Sharpe
Board President